

Members

Rep. Terri Austin, Chairperson
Rep. Dennie Oxley
Rep. Sandra Blanton
Rep. Phil Hinkle
Rep. Cleo Duncan
Rep. Douglas Gutwein
Sen. Travis Holdman, Vice-Chairperson
Sen. Thomas Wyss
Sen. Scott Schneider
Sen. James Arnold
Sen. Timothy Skinner
Sen. Greg Taylor



INTERIM STUDY COMMITTEE ON DRIVER EDUCATION

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MEETING MINUTES¹

Meeting Date: October 29, 2009
Meeting Time: 9:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Terri Austin, Chairperson; Rep. Dennie Oxley; Rep. Phil Hinkle; Rep. Cleo Duncan; Rep. Douglas Gutwein; Sen. Travis Holdman, Vice-Chairperson; Sen. James Arnold; Sen. Timothy Skinner.

Members Absent: Rep. Sandra Blanton; Sen. Scott Schneider; Sen. Greg Taylor; Sen. Thomas Wyss.

Chairperson Austin called the meeting to order at 10:19 a.m. She stated that she intends to have the Committee meet next summer with a comprehensive bill to be proposed for the 2011 Session.

1. Senator Greg Walker

(Senator Walker's Power Point presentation is available on the web at

¹ Exhibits and other materials referenced in these minutes can be obtained electronically by requesting copies at licrequests@iga.in.gov. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

<http://www.in.gov/legislative/interim>). Senator Walker gave the Committee Exhibit A, Parent Led Driver Education. Senator Walker believes that teen drivers who are taught by their parents are safer drivers than those taught in driver education classes, which is borne out by statistics. A survey from the University of Colorado-Colorado Springs concluded that the National Driver Training Institute program (a parent led program), which incorporates graduated driver licensing standards, is a means to improving safety and preparedness. Parents can determine the focus and level of learning based on skills and driving maturity and can be assured that the teen has obtained the confidence and proficiency to drive safely. The Insurance Institute for Highway Safety found that teen drivers rate themselves at least as average in driving ability as compared to other drivers, but the numbers do not reflect that fact.

Report 622, Effectiveness of Behavioral Highway Safety Countermeasures of the National Cooperative Highway Research Program (NCHRP), investigated 104 driver safety countermeasures identified by the National Highway Traffic Safety Administration. Of those, the NCHRP found that 34 were proven effective, 13 were rated believed to be likely effective (but could not be proven), 54 were rated as unlikely to, uncertain or unknown, and 3 were rated as having negative consequences. Those harmful 3 countermeasures would affect teen drivers; skid training for teen drivers, traffic violator school in lieu of license points, and driver education training that has a "time discount for completion" (such as Indiana's allowance of a probationary license at an earlier time if driver education has been completed). Senator Walker believes that parent guided driver education is good public policy, and that the General Assembly should eliminate the bias which grants preferential treatment to early learner permit holders enrolled in certified commercial or high school programs.

Senator Skinner voiced his concern about parents who "pretend" to home school and that persons who support formal driver education can come up with statistics that show that the formal courses are helpful. Responding to Senator Holdman, Senator Walker felt that regulation could be performed by the Bureau of Motor Vehicles (BMV) for home-based instruction. Chairperson Austin responded that perhaps there can be checks and balances by oversight by the BMV, wherein a student could bring evidence of log time driving, a review of the home tests taken, and other proofs. The BMV could review this documentation before the student driver would be allowed to go on to the next level of license issuance. Senator Skinner stated that a program of this type would need to be very accountable. Representative Duncan reminded the Committee that parents already have to attest to a log of not less than 50 hours of driving time before a probationary operator's license can be issued.

2. Commissioner Andy Miller, Indiana Bureau of Motor Vehicles (BMV)

(Commissioner Miller's Power Point presentation is available on the web at <http://www.in.gov/legislative/interim>). Commissioner Miller of the BMV distributed Exhibit B, Secure ID, Graduated Driver's Licenses and Medical Disclosures to the Committee.

Secure ID. Commissioner Miller stated that the BMV finalized work on its STARS computer system in 2006, and in 2008 began using facial recognition comparison technology when issuing driver's licenses. In earlier years, a driver's license provided proof of age and that you were able to drive. Now a driver's license is also used to verify that you are who you say you are. Driver's licenses are a nationally recognized form of identification. Commissioner Miller stated that identity theft is the fastest growing crime in the United States. He reminded the Committee that SEA 463 (2007) required Indiana to conform to the national REAL ID Act, and that in May, 2009, the BMV promulgated rules to comply with that legislation. He commented upon the BMV's new procedure to issue

driver's licenses at a centralized location, after the BMV has performed several national checks of identity in order to minimize document issuance fraud. An applicant will not be able to walk out of a BMV office with a license or an identification card but the BMV will issue extensions for expired cards until the new card is mailed. Indiana's BMV is compliant if the federal PASS ID Act is enacted, and will be compliant by January 2010 if the REAL ID Act becomes law. Discussion ensued concerning examples of individuals who may have changed their names during their lifetimes and regarding the various documents that would be accepted by the BMV to prove age and identity.

Graduated Driver's Licenses. Commissioner Miller stated that if there is a gap between the issuance of a learner's permit and the holder's ability to secure a probationary operator's license, the BMV will note an extension in the computer record of the driver. Law enforcement computer inquiries will show a valid permit. Senator Holdman asked that Commissioner Miller send a copy of the procedure to be used to him.

Medical Disclosures. Commissioner Miller informed the Committee that there are a number of medical conditions that an individual can ask to be encoded into the information on a license or identification card so that law enforcement can be informed in the case of an emergency. Representative Duncan asked if a different color background could be used to indicate a particular malady, but the Commissioner responded that is not a part of the law. Senator Skinner inquired why HIV status was not one of the conditions listed, and the Commissioner responded that current medical protocol is that First Responders assume that the individual is HIV positive and take precautions based on that.

3. Gary Town, Indiana Driving Schools Association and Indiana Driver Education Association

Mr. Town furnished the Committee with a copy of the remarks that he would address to the Committee (Exhibit C). He believes that more hours of instruction and practice with a licensed instructor should be required for driver education students. Further, driver education alone cannot reduce crashes by young drivers. Mr. Town believes that there should be a commission to oversee all facets of driver education. He thinks there will be a shortage of driver education instructors in the near future as many are reaching retirement age and he recommends continuing education for driver education instructors. Chairperson Austin commented that it has not been the intent of the Committee to blame driver education for driving issues related to young drivers. Senator Holdman asked Mr. Town to give him a list of recommendations that could be adopted or rejected in charges to an agency that would have jurisdiction over driver education issues.

Chairperson Austin announced that her plan for the Committee is to continue its work through the next interim between legislative sessions, and that the biggest disparity that she sees between commercial and high school driver education programs is the lack of on-line instruction offered through the commercial programs. She stated her belief that the Department of Education (IDOE), rather than the Indiana Criminal Justice Institute (ICJI), is the suitable agency to determine curriculum for driver education programs. She suggested that perhaps a method of approval would be for a commercial school to file a pre-approval for on-line education with the ICJI and then send it to the IDOE for review and approval.

Representative Hinkle would like to see all facets of driver education be placed under one agency, perhaps IDOE. Chairperson Austin shares Representative Hinkle's vision of IDOE jurisdiction. She feels that IDOE can put together a curriculum this winter and then work on this issue with the Committee next year. Representative Hinkle cautioned that it is necessary to determine if IDOE has sufficient staff to carry out this responsibility. Senator

Holdman feels that IDOE has not taken very much responsibility for the driver education curriculum since it has not been revised for many years. He also feels that IDOE should be given a charge for the winter to study and research in order to come back with results and recommendations. Representative Duncan thinks that one of the items to be researched should be the cost of driver education to the student and that it is critical to encourage more young drivers to take driver education. Senator Skinner would like to hear from the Indiana Sheriffs' Association or the Indiana State Police about the opinion of law enforcement on the issue of driver education curriculum. Chairperson Austin stated that she now realizes that the graduated driver's license bill did not address underage drinking. She believes that it may be appropriate to establish higher sanctions for minors committing DUI offenses or even for those caught possessing alcohol. She feels that this will send a strong message early on. Representative Hinkle wondered if stiffer penalties might be appropriate for all who drink and drive.

Since he teaches high school students, Senator Skinner observed that a driver's license is gold to a young person. He is concerned that young persons with driving offenses are treated more leniently than those who are older.

Representative Hinkle stated that he was in favor of a ban against text messaging by drivers of all ages. Senator Holdman announced that he has already filed SB 18 for the 2010 session on that subject.

The Committee discussed recommendations for the Committee's final report. Those recommendations were that:

"The Department of Education shall take the necessary steps to develop and implement a plan for the following:

- Establish content standards for driver's education
- Establish instructor certification and licensing
- Curriculum and instructional delivery, including on-line component options, parent-led courses, and cost issues.
- Assessment methodology
- Approval, oversight and monitoring of course providers.

The plan shall be developed after consultation with the Indiana State Police, the Indiana Sheriffs' Association, commercial driving schools, public school driving instructors, AAA, ICJI, BMV and others deemed appropriate by the Department of Education. "

Representative Duncan moved and Senator Skinner seconded the approval of these Recommendations. The motion was adopted by voice vote.

With the addition of those recommendations, Representative Duncan moved and Senator Skinner seconded the approval of the final report. The motion was adopted by voice vote.

After voicing her faith in the Department of Education to assemble the proper team to carry out the recommendations, Chairperson Austin adjourned the meeting at 11:30 a.m.